

Nov 23, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TOBIAS WILSON, a.k.a. TOBIN
SATHER, and KENNETH
LAWRENCE,

Plaintiffs,

v.

JAY INSLEE, STEPHEN SINCLAIR,
CHERYL STRANGE, SEAN
MURPHY, JEFF UTTECHT, SARAH
SYTSMA, DR. SARAH KARIKO, and
GREG MILLER,

Defendants.

No. 2:22-CV-0014-TOR

ORDER DENYING
RECONSIDERATION

BEFORE THE COURT is Plaintiffs' Objection to the Order of the District Judge, ECF No. 21, construed as a motion for reconsideration. Defendants filed their response. ECF No. 22. The motion was considered without oral argument on the date signed below.

Plaintiffs object to this Court's denial of their motion to change venue.

1 Where a final judgment has not been entered, the Court has discretion to
2 reconsider under Rule 54(b), which allows courts to revise “any order or other
3 decision, however designated, that adjudicates fewer than all the claims or the
4 rights and liabilities of fewer than all the parties . . . before the entry of a judgment
5” Fed. R. Civ. P. 54(b); *Los Angeles v. Santa Monica Baykeeper*, 254 F.3d
6 882, 887 (9th Cir. 2001). Additionally, the Court has inherent common-law
7 authority “to rescind an interlocutory order over which it has jurisdiction.” *Id.*
8 While both Rule 54(b) and the common law provide distinct authority under
9 which a court may reconsider its rulings, the analysis under both appears to be the
10 same. *Motorola, Inc. v. J.B. Rodgers Mech. Contractors*, 215 F.R.D. 581, 583 (D.
11 Ariz. 2003).

12 Here, a final judgment has not been entered; thus, Rule 54(b) or the
13 common law is the applicable authority. As a rule, a court should be loath to
14 revisit its own decisions in the absence of extraordinary circumstances such as
15 where the initial decision was “clearly erroneous and would work a manifest
16 injustice.” *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 817
17 (1988). Nonetheless, whether to grant a motion for reconsideration is within the
18 sound discretion of the court. *Navajo Nation v. Confederated Tribes and Bands of*
19 *the Yakima Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

1 Plaintiff has not identified an intervening change in the law, submitted any
2 new evidence, or demonstrated the Court committed clear error that was
3 manifestly unjust.

4 **ACCORDINGLY, IT IS HEREBY ORDERED:**

5 Plaintiffs' Objection to the Order of the District Judge, ECF No. 21,
6 construed as a motion for reconsideration, is **DENIED**.

7 The District Court Executive is directed to enter this Order and furnish copies
8 to the parties.

9 DATED November 23, 2022.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge